

1 BARRY J. PORTMAN
2 Federal Public Defender
HILARY A. FOX
3 Assistant Federal Public Defender
555 12th Street, Suite 650
Oakland, CA 94607
4 Tel: (510) 637-3500

5 Counsel for Defendant GUTIERREZ-HERNANDEZ

6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,) No. 07-00138 SBA
11 Plaintiff,)
12 v.) STIPULATION AND ORDER TO
13 MOISES GUTIERREZ-HERNANDEZ) CONTINUE HEARING DATE
14 (aka Alejandro Bardales-Mendoza),) Date: March 20, 2007
15 Defendant.) Time: 9:00 a.m.
Court: Hon. Saundra Brown Armstrong
U.S. District Court
16

17 This matter is currently set on the court's calendar for status on Tuesday, March 20,
18 2007, at 9:00 a.m. At this time, the government has provided discovery and has also presented
19 defendant with a proposed plea agreement. The parties jointly request and stipulate that the
20 status hearing currently set for March 20, 2007, be continued one week until March 27, 2007, at
21 9:00 a.m., to afford defendant additional time to review the discovery, undertake appropriate
22 investigation, and also to consider the government's proposed plea offer. The parties further
23 request that the time between March 20 and March 27, 2007, be excluded from calculations
24 under the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv), as time required by counsel
25 to review the discovery and conduct relevant investigation.

26 For these reasons, the parties request that the Court find that a continuance is appropriate and
27 order that this period of time should be excluded under the Speedy Trial Act, 18 U.S.C. §3161
28 (h)(8)(A) and (B)(iv), because the continuance is necessary to provide defendant with the

STIP. AND PROP. ORDER
CR 07-00138 SBA

1 reasonable time necessary for effective preparation, taking into account the exercise of due
2 diligence.

3

4 SO STIPULATED.

5 DATED: March 19, 2007

/s/

6 CHINHAYI COLEMAN
7 Assistant U.S. Attorney

8 SO STIPULATED.

9 DATED: March 19, 2007

/s/

10 HILARY FOX
11 Attorney for Defendant Moises Gutierrez-
12 Hernandez

13 I hereby attest that I have on file all holograph signatures indicated by a "conformed"
14 signature ("S/") within this efiled document.

15 ORDER

16 Based on the reasons provided in the stipulation of the parties above, the Court hereby
17 FINDS that the ends of justice served by granting of the requested continuance outweigh the best
18 interests of the public and the defendant in a speedy trial, and that the failure to grant the
19 requested continuance would deny defendant Gutierrez-Hernandez the reasonable time necessary
20 for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C.
21 §3161(h)(8)(A) & (B)(iv).

22 Based on these findings, IT IS HEREBY ORDERED THAT the hearing that is currently
23 scheduled for March 20, 2007, shall be continued to March 27, 2007, and that the time from
24 March 20 through March 27, 2007, shall be excluded for purposes of the Speedy Trial Act, 18
U.S.C. §3161(h)(8)(A) and (B)(iv).

25 IT IS SO ORDERED.

26 Dated: March 20, 2007

27 
28 SAUNDRA BROWN ARMSTRONG
United States District Court